

REMARKS

Claims 1-20 have been canceled without prejudice or disclaimer. New claims 21-31 have been added. Accordingly, claims 21-31 are now pending in the application. A Request for Continued Examination accompanies this paper so that the Examiner may fully consider the pending claims.

Priority

Applicants respectfully request that the Examiner acknowledge the claim for priority and safe receipt of the priority document. The priority document (JP 2003-115181, having a Japanese filing date of April 21, 2003) was filed with the initial application on July 30, 2003.

Specification

The title was objected to as being non-descriptive. In response, the title has been amended in the manner suggested by the Examiner.

Claim Objections

Claims 5, 6, 12 and 13 were objected to as being of improper dependent form. These claims have been canceled and the rejections are considered moot.

Claim Rejections Under 35 U.S.C. §112

Claims 5-7 and 12-14 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. These claims have been canceled and the rejections are considered moot.

35 U.S.C. §103

Claims 1-3, 8-10, 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Iwatani et al (U.S. Pub. No. 20010054093 - hereafter "Iwatani") in view of Masahiro Miura (JP 2002-278905 - hereafter "Miura"). Claims 4-7 and 11-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Iwatani in view of Miura, and further in view Uchiyama et al. (U.S. Pub. No. 20030172069 - hereafter "Uchiyama"). These rejections are traversed, in part, as follows.

Uchiyama is Disqualified as Prior Art Under 35 USC 103(c)

The Uchiyama application is commonly owned with the present application, falls under the provisions of 35 USC § 103(c), and therefore cannot be used to preclude patentability of the present invention under 35 USC § 103(a). In particular, at the time the present invention was made, both the subject matter of the Uchiyama application and that of the present application were owned by or subject to an obligation of assignment to Hitachi Ltd. of Tokyo, Japan (see, e.g., reel 013528, frame 0183, for the assignment of the Uchiyama application to Hitachi, Ltd.).

Further, it is noted that since the Uchiyama application has a publication date (September 11, 2003) that is after the filing date of the present application (July 30, 2003), the Uchiyama application would only qualify as prior art under subsection (e) of 35 USC § 102, if that section were applicable. Accordingly, as the provisions of 35 USC § 103(c) apply, Uchiyama is disqualified as prior art for any future rejections of the claims under 35 USC § 103(a).

Discussion of New Claims

New claims 21-31 narrow the scope of the original claims to specify that the management computer correlates a relationship between the volumes and the client computer in the management table based upon application-setting information obtained from one or more host computers and volume access control information obtained from the storage devices. When the management computer obtains information related to a specific volume, such as a fault in the volume, the management computer is able to send information to the client computer correlated to that volume. This is neither taught nor suggested by Iwatani, Miura, or the other art of record.


Support for the specifying that the computers in the original claims are the client computers is found in the specification, e.g., at page 10, last line, through page 11, line 22; page 15, line 18, through page 16, line 7; and page 26, lines 1-3.

Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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